

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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DANIEL KAPETAN,

**Plaintiff,**

JAMES G. COX, et al.,

## Defendants.

Case No. 3:13-cv-00171-MMD-VPC

**ORDER ADOPTING AND ACCEPTING  
REPORT AND RECOMMENDATION OF  
MAGISTRATE JUDGE  
VALERIE P. COOKE**

Before the Court is the Report and Recommendation of United States Magistrate Judge Valerie P. Cooke (“R&R”) (ECF No. 137), recommending that the Court grant Defendants’ motion for summary judgment (ECF No. 126). Plaintiff had until April 24, 2017, to file an objection. (ECF No. 137.) To date, no objection to the R&R has been filed.

This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, then the court is required to “make a *de novo* determination of those portions of the [report and recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s report and recommendation where no objections have been filed. See *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard

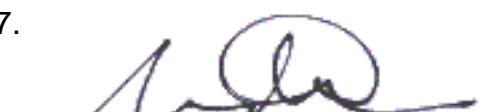
1 of review employed by the district court when reviewing a report and recommendation to  
2 which no objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,  
3 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the  
4 view that district courts are not required to review "any issue that is not the subject of an  
5 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then  
6 the court may accept the R&R without review. See, e.g., *Johnstone*, 263 F. Supp. 2d at  
7 1226 (accepting, without review, a magistrate judge's recommendation to which no  
8 objection was filed).

9 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to  
10 determine whether to adopt Magistrate Judge Cooke's R&R. Upon reviewing the R&R  
11 and the briefs relating to Defendants' motion for summary judgment, the Court agrees  
12 with the Court's recommendation and will adopt the R&R.

13 It is therefore ordered, adjudged and decreed that the Report and  
14 Recommendation of Magistrate Judge Valerie P. Cooke (ECF No. 137) is accepted and  
15 adopted in its entirety. Defendants' motion for summary judgment (ECF No. 126) is  
16 granted.

17 It is further ordered that the Clerk enter judgment in accordance with this Order  
18 and close this case.

19 DATED THIS 4<sup>th</sup> day of May 2017.  
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22 MIRANDA M. DU  
23 UNITED STATES DISTRICT JUDGE  
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